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**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR REISSUE APPLICATION**

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As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

The declaration for the reissue application is of the following type: (check one applicable item below)



original  
design  
supplemental

**INVENTORSHIP IDENTIFICATION**

*WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.*

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

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**RE-WRITABLE OPTICAL DISK REFERENCE CLOCK INFORMATION  
PERMANENTLY FORMED ON THE DISK**

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**SPECIFICATION IDENTIFICATION**

the specification of which: (complete (a), (b) or (c))

(a)  is attached hereto.

(b)  was filed on [DATE] as Serial No. \_\_\_\_; or  
was filed on [date], under Express Mail No. \_\_\_\_, as Serial No. not yet known,  
and was amended on \_\_\_\_ (if applicable).

*NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.*

(c)  was described and claimed in PCT International Application No. \_\_\_\_; filed on \_\_\_\_ and as amended Under PCT Article 19 on \_\_\_\_ (if any).

## **ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information

- which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56;  
(also check the following items, if desired)
- and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent; and
- In compliance with this duty, there is attached an information disclosure statement in accordance with 37 CFR 1.98.

### **PRIORITY CLAIM (35 U.S.C. § 119)**

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d)  no such applications have been filed
- (e)  such applications have been filed as follows

*NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.*

### **POWER OF ATTORNEY**

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

Customer Bar No.: 022879

Scott A. Horstemeyer, Reg. No. 34,183

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#### **SEND CORRESPONDENCE TO**

**Patrick Murphy**  
**HEWLETT-PACKARD COMPANY**  
P.O. BOX 272400  
Fort Collins, CO 80527-2400

#### **DIRECT TELEPHONE CALLS TO:**

**Patrick Murphy**  
(970) 898-6968

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## STATEMENT OF INOPERATIVENESS

Applicants believe that U.S. Patent No. 6,046,968 is partly inoperative by reason of the patentee claiming less than the patentee had the right to claim in the patent. At least one error being relied upon as the basis for the reissue is the fact that the Applicants and, Applicants' representatives, failed to appreciate the full scope of the invention. Specifically, other species of claims, which would have been allowable over the prior art, were not submitted to the U.S. Patent and Trademark Office during the examination of the application that issued as U.S. Patent No. 6,046,968.

## STATEMENT THAT ERROR OCCURRED WITHOUT DECEPTIVE INTENT AND THAT NO NEW MATTER IS ADDED

Applicant believes that the error listed above, which is being corrected by way of this Reissue Application and which occurred up to the time of the filing of this Reissue Declaration, occurred without any deceptive intention on the part of the Applicant. Applicant believes that the new claims of the reissue application do not add new matter.

## OFFER TO SURRENDER

Applicant hereby offers to surrender U.S. patent 6,046,968 as required under 37 C.F.R.1.178. Applicant intends to submit for surrender the original letters patent, or an affidavit stating that the original letters patent has been lost or is inaccessible, prior to allowance of the subject Reissue Application.

## SIGNATURE(S)

*NOTE:* Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor: Daniel Y. Abramovitch

Inventor's signature Daniel Y. Abramovitch   
Date: 10/16/01 Country of Citizenship U.S.A.  
Residence: 3372 Kipling Street, Palo Alto, CA 94306  
Post Office Address: Same as residence

**Full name of second inventor: Daniel Y. Abramovitch**

Inventor's signature David K. Towner

Date: OCTOBER 12, 2001

Country of Citizenship U.S.A.

Residence: 6706 E. Glacier Drive, Boise, ID 83712

Post Office Address: Same as residence

*David K. Towner*  
DKT 3299 E. RED STONE DR.  
BOISE, ID 83712

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Abramovitch et al.

Application Serial No.: 08/899,427

Filed: 07/24/97

For: Re-Writable Optical Disk Having Reference Clock

Information Permanently Formed On The Disk

Patent No.: 6,046,968

Issue Date: April 4, 2000

Assistant Commissioner for patents

Washington, D.C. 20231

**CERTIFICATE UNDER 37 C.F.R. §3.73(b)  
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

1. The assignee of the entire right, title and interest hereby seeks to take action in the PTO in this matter.

**IDENTIFICATION OF ASSIGNEE**

2. The assignee of this matter is:

**HEWLETT-PACKARD COMPANY**  
Legal Department, M/S 20BN  
3000 Hanover Street  
Palo Alto, California 94304

I hereby certify that this correspondence is being deposited with the United States Postal Service, as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on 11/27/01

Chassy J. Sui

3. A chain of title from the inventor(s) to the current assignee is shown below:

a. From: Daniel Y. Abramovitch and David K. Towner  
To: Hewlett-Packard Company  
Recorded in PTO: Reel: 8889 Frame: 0535

### DECLARATIONS

4. I, the undersigned, have reviewed all the documents in the chain of title of the

application  
 patent

matter identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

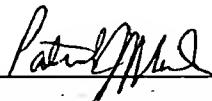
5. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

6. I, the person signing below, aver that I am empowered to sign this statement on behalf of the assignee.

Reg. No. 36,618

Tel. No. 970.898.6968

Docket No. 10970174-4

  
\_\_\_\_\_  
PATRICK J. MURPHY

PTO/SB/54 (12-97)

Approved for use through 9/30/00. OMB 0651-0033  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>REISSUE APPLICATION BY THE ASSIGNEE, OFFER TO SURRENDER PATENT</b>		Docket Number (Optional) <b>10970174-4</b>						
<p>This is part of the application for a reissue patent based on the original patent identified below.</p> <p><b>Name of Patentee(s):</b>  <b>Daniel Y. Abramovitch and David K. Towner</b></p> <table border="1"> <tr> <td><b>Patent Number</b> <b>6,046,968</b></td> <td><b>Date Patent Issued</b> <b>April 4, 2000</b></td> </tr> <tr> <td colspan="2"><b>Title of Invention</b> Re-Writable Optical Disk Having Reference Clock Information Permanently Formed on the Disk</td> </tr> </table> <p><u>Hewlett-Packard Company</u> is the assignee of the entire interest in the original patent.</p> <p>I offer to surrender the original patent.</p> <p><input checked="" type="checkbox"/> A certificate under 37 CFR 3.73(b) is attached.</p> <p>I am authorized to act on behalf of the assignee.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.</p> <p><b>Name of assignee</b>  <b>Hewlett Packard Company, Inc.</b></p> <table border="1"> <tr> <td><b>Signature of person signing for assignee</b> </td> <td><b>Date</b> <b>11/16/01</b></td> </tr> </table> <p><b>Typed or printed name and title of person signing for assignee</b>  <b>PATRICK J. MURPHY</b></p>			<b>Patent Number</b> <b>6,046,968</b>	<b>Date Patent Issued</b> <b>April 4, 2000</b>	<b>Title of Invention</b> Re-Writable Optical Disk Having Reference Clock Information Permanently Formed on the Disk		<b>Signature of person signing for assignee</b> 	<b>Date</b> <b>11/16/01</b>
<b>Patent Number</b> <b>6,046,968</b>	<b>Date Patent Issued</b> <b>April 4, 2000</b>							
<b>Title of Invention</b> Re-Writable Optical Disk Having Reference Clock Information Permanently Formed on the Disk								
<b>Signature of person signing for assignee</b> 	<b>Date</b> <b>11/16/01</b>							

**Burden Hour Statement:** This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

(Reissue Application by the Assignee — Offer to Surrender Patent (PTO/SB/54) [17-3.1]—page 1 of 1)

Practitioner's Docket No. 10970174-4**PATENT****ASSENT BY ASSIGNEE FOR FILING OF REISSUE APPLICATION**

**NOTE:** *The written assent of all assignees, if any, owning an undivided interest in the original patent must be included in the application for reissue. 37 C.F.R. 1.172(a).*

This is part of the application for a reissue patent filed herewith based on the original patent identified as follows:

Daniel Y. Abramovitch and David K. Towner  
Name of Patentee

6,046,968  
Patent Number                                  April 4, 2000  
    Date Patent Issued

Re-Writable Optical Disk Having Reference Clock Information Permanently  
Formed on the Disk

Title of Invention

I am an assignee owning

an undivided interest to the above original patent.  
 a \_\_\_\_\_% (per cent) interest in the above original patent.

I assent to the accompanying application for reissue.

Attached is a "Statement under 37 C.F.R. § 3.73(b) — Establishing Right of Assignee  
to Take Action."

Hewlett-Packard Company  
Name of assignee

Patrick J. Murphy  
Signature of person signing for assignee

Date: 11/16/01

**PATRICK J. MURPHY**  
(type or print name and title of person signing for assignee)



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JC955 S PRO  
09/97036  
11/27/01

FEBRUARY 24, 1998

PTAS

HEWLETT-PACKARD COMPANY  
NELIA T. DE GUZMAN  
1501 PAGE MILL ROAD, MS 4U-10  
PALO ALTO, CA 94304-1126



\*100609696A\*

BKS  
C10970174-1

RECEIVED

MAR - 5 1998

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

IP Legal Department

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/09/1998 ✓

REEL/FRAME: 8889/0535 ✓  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:  
HEWLETT-PACKARD COMPANY  
LEGAL DEPARTMENT, M/S 20BN  
3000 HANOVER STREET  
PALO ALTO, CALIFORNIA 94304

DOC DATE: 07/24/1997 ✓

ASSIGNEE:  
TOWNER, DAVID K. ✓

DOC DATE: 07/28/1997 ✓

SERIAL NUMBER: 08899427 ✓  
PATENT NUMBER:

FILING DATE: 07/24/1997 ✓  
ISSUE DATE:

TARA WASHINGTON, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

(5) 3/15/98  
mt8

ASSIGNMENT OF PATENT APPLICATION

I/We, the undersigned (each) have agreed and hereby agree to assign to HEWLETT-PACKARD COMPANY, a California corporation having its principal place of business in Palo Alto, California, (hereinafter HP), in furtherance of my/our obligations to HP, and do hereby assign and transfer to HP, its successors and assigns, the entire right, title and interest, including the right of priority, in, to and under an application for Letters Patent of the United States entitled:

A RE-WRITEABLE OPTICAL DISK HAVING REFERENCE CLOCK INFORMATION PERMANENTLY FORMED ON THE DISK

Filing date: July 24, 1997 Serial No.: 08/899,427

and the invention(s) and improvement(s) set forth therein, and any and all continuations, continuations-in-part (C-I-P's), divisionals, and renewals of and substitutes for said application for said Letters Patent, and any and all Letters Patent of the United States and of countries foreign thereto which may be granted thereon or therefor; and any reissues, or reexaminations, or extensions of said Letters Patent.

I/we additionally authorize HP to file applications in my/our name for Letters Patent in any country, to be held and enjoyed by HP, its successors, assigns, nominees or legal representatives, to the full end of the term or terms for which said Letters Patent respectively may be granted, reissued or extended, as fully and entirely as the same would have been held and enjoyed by me/us had this assignment, and transfer not been made;

AND I/we hereby covenant that I/we have full right to convey the entire interest herein assigned, and that I/we have not executed and will not execute any agreement in conflict herewith, and I/we further covenant and agree that I/we will, each time a request is made, and without undue delay, execute and deliver all such papers as may be necessary or desirable to perfect the title to said invention(s) or improvement(s), said application and said Letters Patent, to HP, its successors, assigns, nominees or legal representatives, and I/we agree to communicate to HP, or to its nominee, all known facts respecting said invention(s) or improvement(s), said application and said Letters Patent, to testify in any legal proceedings, to sign all lawful papers, to execute all disclaimers and divisionals, continuations, C-I-P's, reissue and foreign applications, to make all rightful oaths and declarations, and generally to do everything possible to aid HP, its successors, assigns, nominees and legal representatives to obtain and enforce, for its or their own benefit, proper patent protection for said invention(s) or improvement(s) in any and all countries provided the expenses which may be incurred by me/us in lending such cooperation and assistance are paid by HP;

AND I/we hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any country or countries foreign to the United States whose duty it is to issue patents on applications as aforesaid, to issue to HP, as assignee of the entire right, title and interest, any and all Letters Patent for said invention(s) or improvement(s), including any and all Letters Patent of the United States which may be issued and granted on or as a result of the application aforesaid, in accordance with the terms of this assignment.

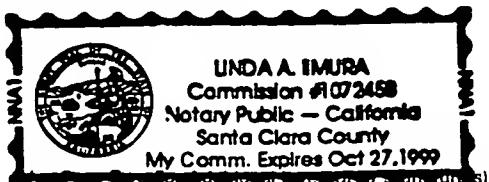
I/we further authorize and direct HP attorneys to insert the serial number and filing date of said application now identified by the attorney docket number and title set forth above as soon as the same shall have been made known to them by the United States Patent and Trademark Office.

Daniel Y. Abramovitch Date Assignment Signed: 7/24/97  
Inventor's Signature (Seal)

Inventor's Typed Name: Daniel Y. Abramovitch Date Application Signed: 7/24/97

State of California )  
County of Santa Clara ) ss.:  
                        )

Before me this 24 day of July 1997, personally appeared Daniel Y. Abramovitch who is personally known or proved to me on the basis of satisfactory evidence to be the person who acknowledged the foregoing instrument of assignment to be his/her free act and deed.



Linda A. Imura  
Notary Public  
My commission expires: 10/27/99

ASSIGNMENT OF PATENT APPLICATION (cont.)

IN WITNESS WHEREOF, I/we hereunto set my/our hand(s) and seal(s):

Inventor's Signature (Seal)

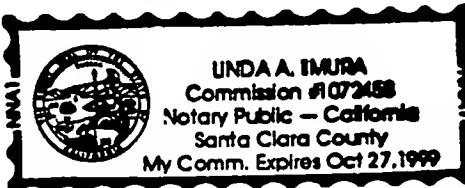
Date Assignment Signed: 7-28-97

Inventor's Typed Name: David K. Towner

Date Application Signed: 7-28-97

State of California )  
County of Santa Clara ) ss.:

Before me this 28<sup>th</sup> day of July, 1997, personally appeared David K. Towner who is personally known or proved to me on the basis of satisfactory evidence to be the person who acknowledged the foregoing instrument of assignment to be his/her free act and deed.



Linda A. Imura  
Notary Public  
My commission expires: 10/27/99

Inventor's Signature (Seal)

Date Assignment Signed: \_\_\_\_\_

Inventor's Typed Name: \_\_\_\_\_

Date Application Signed: \_\_\_\_\_

State of \_\_\_\_\_  
County of \_\_\_\_\_

Before me this \_\_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_\_\_ who is personally known or proved to me on the basis of satisfactory evidence to be the person who acknowledged the foregoing instrument of assignment to be his/her free act and deed.

Notary Public  
My commission expires: \_\_\_\_\_

Inventor's Signature (Seal)

Date Assignment Signed: \_\_\_\_\_

Inventor's Typed Name: \_\_\_\_\_

Date Application Signed: \_\_\_\_\_

State of \_\_\_\_\_  
County of \_\_\_\_\_

Before me this \_\_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_\_\_ who is personally known or proved to me on the basis of satisfactory evidence to be the person who acknowledged the foregoing instrument of assignment to be his/her free act and deed.

Notary Public  
My commission expires: \_\_\_\_\_

HP Docket No. 10970174-4

Certificate Of Express Mail

RE-ISSUE APPLICATION

Express Mail Label No. EL795268615US

Date of Deposit: 11/27/01

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington, D.C. 20231.

By: Crissy J. Salazar

Typed Name: Crissy J. Salazar